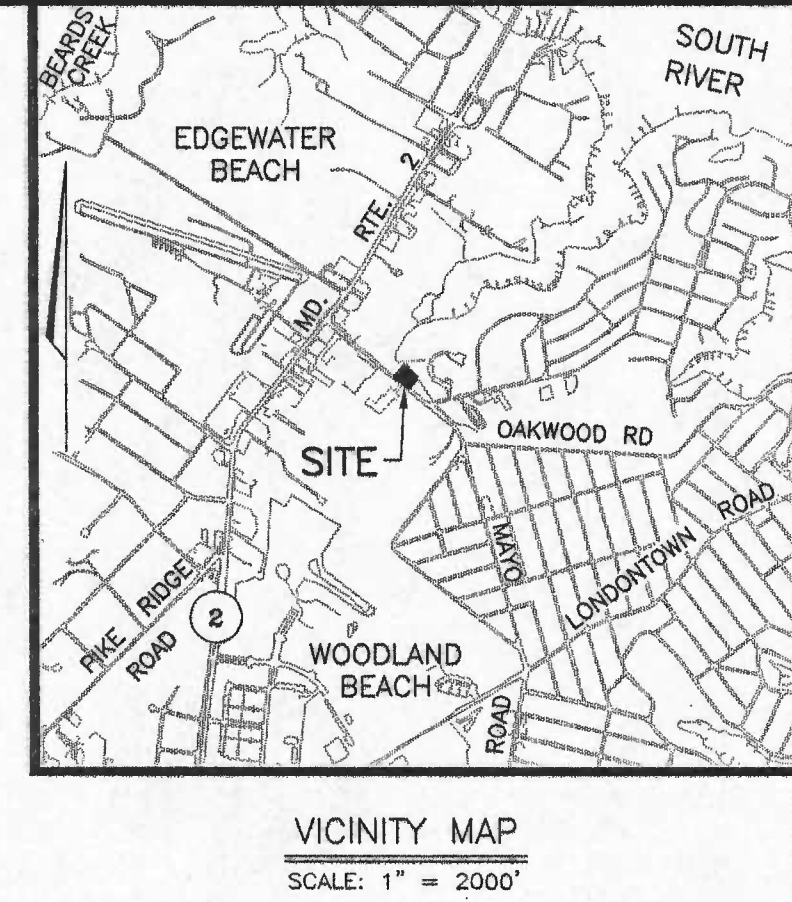
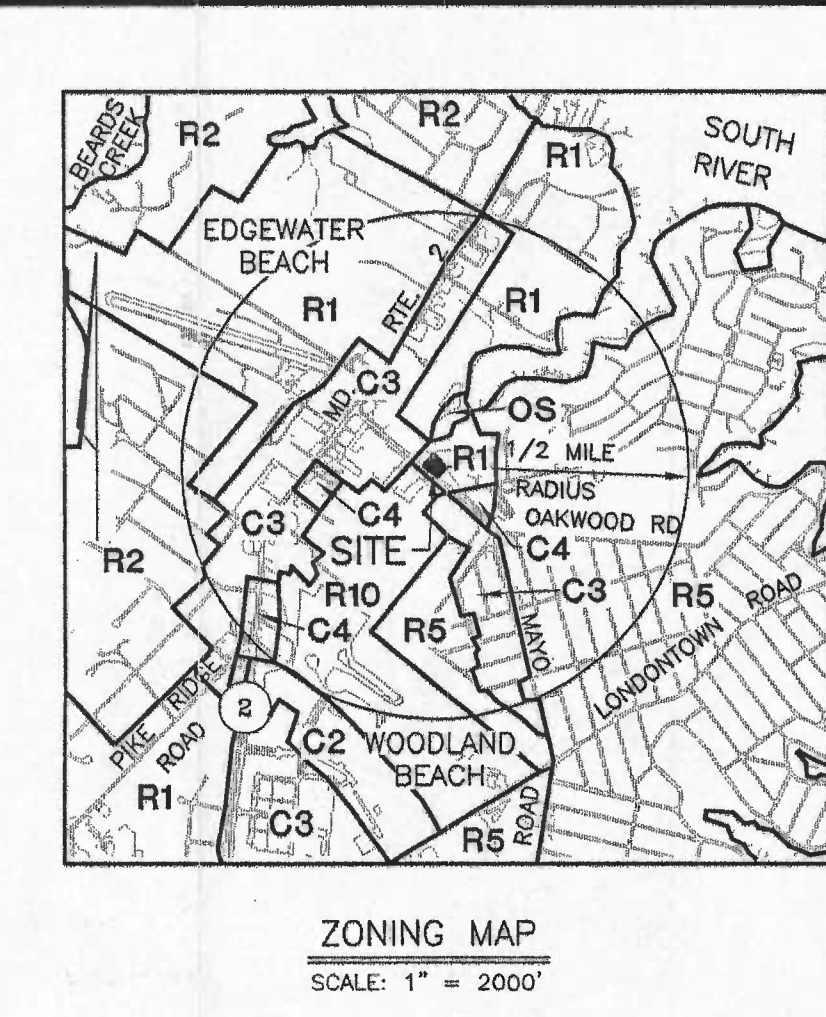
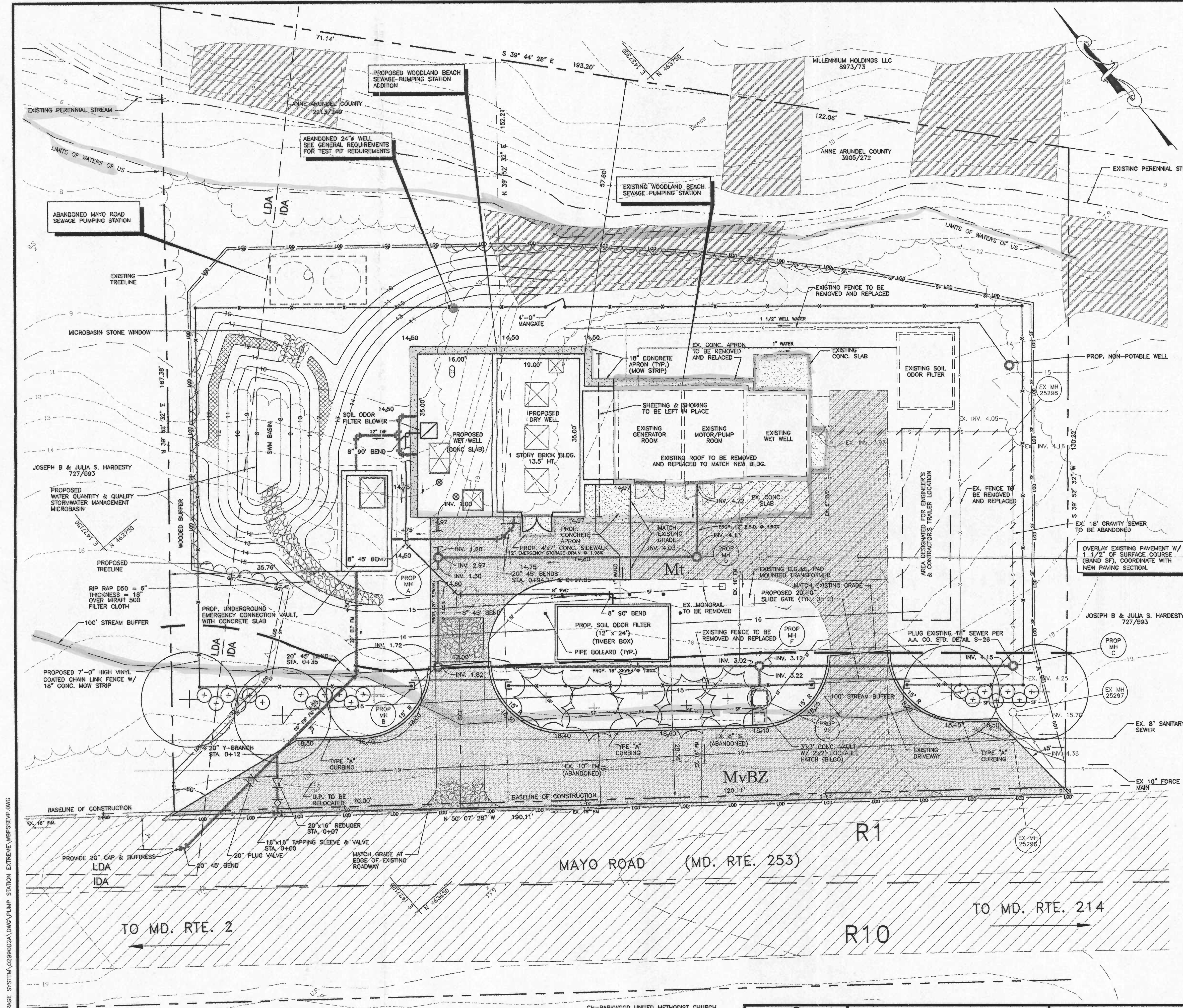


MSA-S-1829-767

LC
utter
8/28/00

Need 10% calculations



SITE DATA

Tax Map 55, Block 12, P. 83 & 342
L. 3905 F. 272 & L. 2213 F. 249
1st Assessment District
Zoning: R-1
Critical Area: LDA & LDA
IDA Area: 0.578 ac. (25,204 s.f.)
LDA Area: 0.066 ac. (2,865 s.f.)
Proposed Special Exception Use: Pumping Station Upgrade - Public Utility
Total Site Area: 0.644 ac. (28,069 s.f.)
Water Service Area Map: W-9, existing service, Broadcreek
Sewer Service Area Map: S-9, existing service, Annapolis SSA
Pumping Station Addition Height = 13.5'
Required Building Setbacks:
Front: 40'
Side: 15'/40' combined
Rear: 35'
FEMA: 240080043C, Zone C, Area of Minimal Flooding

SOILS KEY

Mt - mixed alluvial, hydric soils
Mw2 - Monmouth fine sandy loam, highly erodible, and sulfate bearing soil

NOTE

The entire property is located within the expanded critical area buffer.

LANDSCAPE BUFFER REQUIREMENTS

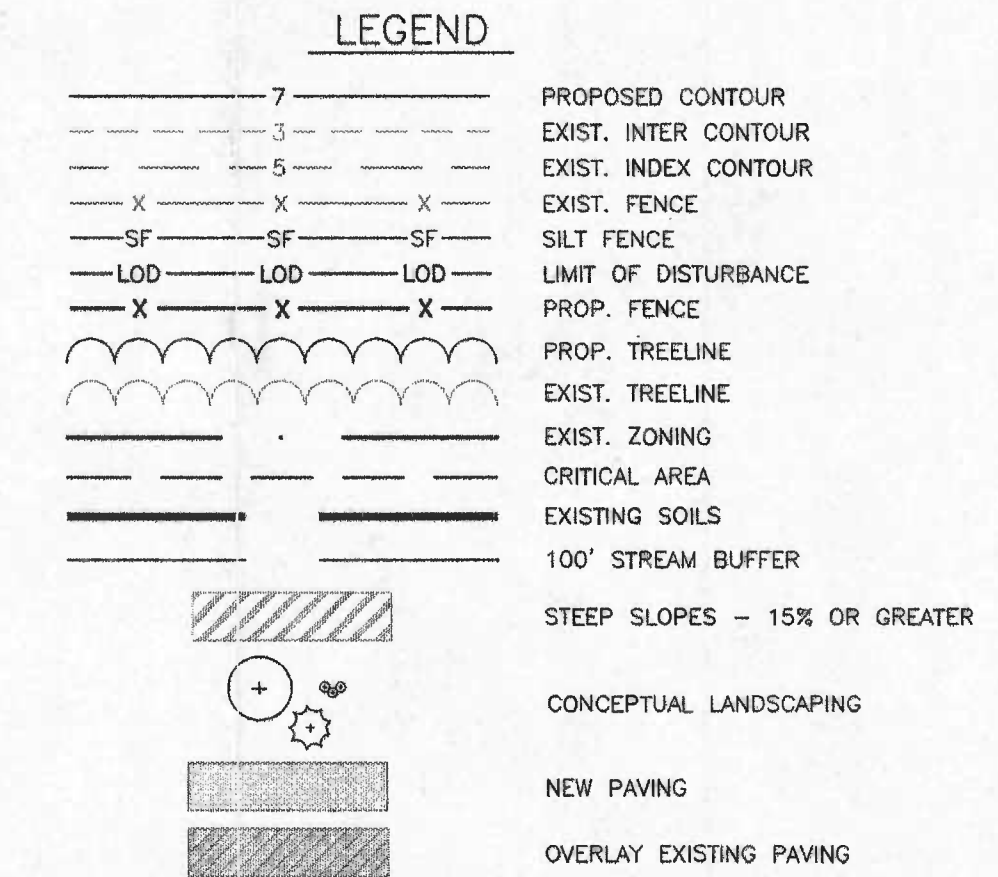
BUFFER "A"
REQUIRED: 15' MINIMUM BUFFER WITH (1) ONE SHADE TREE PER 30 LINEAR FEET OF RIGHT-OF-WAY WITH UNDERSTORY SHRUB PLANTING AND/OR (1) ONE EVERGREEN ORNAMENTAL TREE PER 10 LINEAR FEET OF RIGHT-OF-WAY.
PROVIDED: (5) FIVE EVERGREEN TREES FOR 50 LF.
(5) FIVE SHADE TREES W/UNDERSTORY SHRUBS FOR 150 LF.

CRITICAL AREA REQUIREMENTS

Forest clearing in IDA zone = 0.053 ac.
Forest clearing in LDA zone = 0.010 ac.
Existing Impervious = 0.072 ac.
Proposed Impervious = 0.128 ac.

ADJACENT OWNERS WITHIN 175' OF SITE
INFORMATION BASED ON MOST RECENT FINDINGS OF THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION-REAL PROPERTY SYSTEM 4/14/00.

Tax Map 55, Block 12, Parcel 159 State Highway Administration C/O District Chief SHA 138 Defense Highway Annapolis, MD 21401 Zoning: C3 Tax Account #01-000-90097912	Tax Map 55, Block 12, Parcel 166 Safeway, Inc. 1371 Oakland Blvd., Suite 200 Walnut Creek, CA 94596 Premises Address: Milhaven Road Edgewater, MD 21037 Zoning: C3 Tax Account #01-000-90011218	Tax Map 55, Block 12, Parcel 160, Pt Lot 2 Jeannette V. Bunting 111 Helen Lane Leonardtown, MD 20650 Premises Address: Milhaven Road Edgewater, MD 21037 Zoning: C3 Tax Account #01-000-90102292
Tax Map 55, Block 12, Parcel 159 Joseph B. Hardesty & Julia S. Hardesty 3043 Solomons Island Road Edgewater, MD 21037 Zoning: C3 Tax Account #01-000-90045735	Tax Map 55, Block 12, Parcel 247 CH-Parkwood United Methodist Church 35 Mayo Road Edgewater, MD 21037 Zoning: R10 Tax Account #01-000-01394850	Tax Map 55, Block 12, Parcel 160, Pt Lot 2 Samuel T. Eaton, Jr. & Jeannette V. Eaton 21910 Helen Lane Leonardtown, MD 20650 Premises Address: Mayo Road Edgewater, MD 21037 Zoning: C3 Tax Account #01-000-90102300
Tax Map 55, Block 12, Parcel 9 Millennium Holding IV LLC 770 Ritchie Highway, Suite W138 Severna Park, MD 21146 Premises Address: 144 Washington Road Edgewater, MD 21037 Zoning: OS Tax Account #01-000-03885630	Tax Map 55, Block 12, Parcel 160, Pt Lot 1 US Homes Corporation 10230 New Hampshire Ave. Silver Spring, MD 20903 Premises Address: Milhaven Drive Edgewater, MD 21037 Zoning: R10 Tax Account #01-000-90102293	Tax Map 55, Block 12, Parcel 160, Pt Lot 3 Charles F. Leitch P O Box 869 Annapolis, MD 21404 Premises Address: Mayo Road Edgewater, MD 21037 Zoning: C3 Tax Account #01-000-90102298
Tax Map 55, Block 12, Parcel 237 CH-Parkwood United Methodist Church 35 Mayo Road Edgewater, MD 21037 Zoning: R10 Tax Account #01-000-01398600		



REPRESENTATIVE EXISTING VEGETATION

Slippery Elm (5"-14" dbh)
Black Locust (5"-14" dbh)
Box Elder
Silver Maple
Red Cedar
Red Maple (8"-12" dbh)
American Sycamore

DATE PRINTED
APR 25 2000
HARMS CORPORATION

SPECIAL EXCEPTION #
TO ALLOW A PUBLIC UTILITY IN AN R-1 ZONING DISTRICT PER ARTICLE 28, SUBTITLE 3, SECTION 2-303 (15), THE PUBLIC UTILITY USE INCLUDES A SEWAGE PUMPING STATION ADDITION TO AN EXISTING FACILITY AND APPURTENANCES. ALSO THE EXISTING PUMPING STATION ROOF IS TO BE REMOVED AND REPLACED TO MATCH THE NEW ROOF.

1) VARIANCE #
VARIANCE TO DISTURB A 100' STREAM BUFFER PER ARTICLE 28, TITLE 1A, SECTION 1A-104 (a)(1). WE PROPOSE TO DISTURB 11,085 S.F. OF STREAM BUFFER IN ORDER TO BUILD AN ADDITION TO AN EXISTING PUBLIC UTILITY WHICH INCLUDES A SEWAGE PUMPING STATION FACILITY AND APPURTENANCES.

2) VARIANCE #
VARIANCE TO DISTURB EXPANDED CRITICAL AREA BUFFER ARTICLE 28, TITLE 1A, SECTION 1A-104(a)(1). WE PROPOSE TO DISTURB 13,750 S.F. OF EXPANDED BUFFER IN ORDER TO BUILD AN ADDITION TO AN EXISTING PUBLIC UTILITY.

HARMS
ENGINEERS • PLANNERS • SURVEYORS
P.O. Box 5, Pasadena, MD 21123
Office: 410-647-6000 FAX: 410-544-8508

ANNE ARUNDEL COUNTY
DEPARTMENT OF PUBLIC WORKS

REVISED DATE	BY

OWNERS:
ANNE ARUNDEL COUNTY, MARYLAND
2662 RIVA ROAD
ANNAPOLIS, MD 21401
(410) 222-7560

APPLICANT:
ANNE ARUNDEL COUNTY
DEPARTMENT OF PUBLIC WORKS
BRUCE WRIGHT - PROJECT MGR.
2662 RIVA ROAD
ANNAPOLIS, MD 21401
(410) 222-7560

SCALE: AS SHOWN	SPECIAL EXCEPTION / VARIANCE
DRAWN BY: R.N.T.	WOODLAND BEACH SEWAGE PUMPING STATION UPGRADE ULTIMATE PHASE II 1 st DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND
CHECKED BY: M.T.	
SHEET NO. 1 OF 1	
PROJECT NO.	
CONTRACT NO.	

FILE: L:\WOODLAND BCH. SEWERAGE SYSTEM\0398002A.DWG PUMP STATION EXTREME WEBSVP.DWG

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

August 28, 2000

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Special Exception 2000-0216-S and Variance 2000-0217-V, Anne Arundel County

Dear Ms. Morgan:

Thank you for providing information on the above referenced special exception and variance. The applicant, Anne Arundel County Department of Public Works, is requesting a special exception to permit modifications to an existing public utility and a variance to permit a public utility with less setbacks and Buffer than required. The property has a split designation of LDA/IDA, with the majority of the area being IDA.

The entirety of the 0.644 acre property is located within the expanded Buffer to a tributary stream. The tributary stream flows into Warehouse Creek, a tributary to the South River. The proposal includes significant expansion to the existing pumping station, additional paving along Mayo Road and construction of a stormwater management facility. Optimally, the pumping station would be moved to a location outside of any sensitive areas. This particular tributary stream has recently been disrupted by a drain pipe installation project under Washington Avenue. Another stream feeding to Warehouse Creek was disrupted in the recent past for drainage improvement from the large townhouse community being constructed across Mayo Road. The planned improvements to Route 2 also includes a large stormwater facility which will outfall into Warehouse Creek. This office is concerned that further impact to this area will exacerbate existing sedimentation and water quality problems in the Creek.

Notwithstanding the above, it seems that relocating the pumping station would be prohibitively expensive and impractical. We do not oppose the variance requested, but we remain concerned about the impacts to the stream on site. We recommend that the limits of disturbance be kept as close to the proposed fence behind the pumping station as possible. It is not clear why it is necessary to clear in the area of steep slopes directly behind the building. Existing vegetation should be avoided and it should be supplemented with additional plantings where possible. Ideally, the remaining area between the fence and the stream should be heavily planted with trees and shrubs such that some Buffer functions remain.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Ms. Charlene Morgan
August 28, 2000
Page 2

With regard to stormwater management, the 10% pollutant reduction calculations were reviewed and it appears that the proposed stormwater management pond will fulfill this requirement.

This office recommends mitigation at a 3:1 ratio for all new disturbance within the Buffer. The proposed "conceptual landscaping" may contribute to this requirement, provided native species are used. As stated previously, as much as existing vegetation as possible should be retained and the area between the fence and the stream should be heavily vegetated.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in dark ink and is positioned above the printed name.

LeeAnne Chandler
Natural Resources Planner

cc: AA320-00

320-10

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBERS 2000-0216-S AND 2000-0217-V

IN RE: ANNE ARUNDEL COUNTY, MARYLAND

FIRST ASSESSMENT DISTRICT

RECEIVED

SEP 11 2000

DATE HEARD: AUGUST 29, 2000

**CHESAPEAKE BAY
CRITICAL AREA COMMISSION**

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: PATRICIA A. MILEY

DATE FILED: SEPTEMBER 7, 2000

PLEADINGS

Anne Arundel County, Maryland, the applicant, seeks a special exception (2000-0216-S) to permit modifications to an existing public utility and a variance (2000-0217-V) to a permit public utility with less setbacks and buffer than required on property located along the northeast side of Mayo Road, northwest of Washington Road, Edgewater.

PUBLIC NOTIFICATION

The case was advertised in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175' of the property was notified by mail, sent to the address furnished with the application. Bruce Wright, a project manager for the County's Department of Public Works, testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that the requirements of public notice have been satisfied.

FINDINGS AND CONCLUSIONS

This case concerns the County's Woodland Beach Sewage Pumping Station, which is sited on 0.644 acres of land identified as Tax Map 55, Block 12, Parcels 83 and 342. The zoning is R-1 residential. The property is located in the Chesapeake Bay Critical Area and is largely designated Intensely Developed Area

with the remainder Limited Development Area. The applicant seeks to expand the station with disturbance to a perennial stream buffer, the expanded buffer and steep slopes within the expanded buffer.

A public utility is a special exception use subject to the specific criteria in Anne Arundel County Code, Article 28, Section 12-236 and the general criteria in Section 12-104. Section 1A-104(a)(1) establishes a minimum 100-foot buffer from tributary streams. The buffer expands to include all land within 50 feet of the top of contiguous steep slopes. Accordingly, in addition to the special exception, the proposal necessitates variances to disturb the stream buffer, the expanded buffer and steep slopes within the expanded buffer.

Patricia A. Miley, a zoning analyst with the Office of Planning and Zoning, testified that the Mayo area is subject to a wastewater moratorium with no current service available despite the designation in the Water and Sewer Master Plan as Planned Service Area. The project will alleviate the moratorium to undeveloped buildable properties and also provide capacity in the event of residential septic system failures. The witness observed that it would be impractical and expensive to relocate the pumping station elsewhere. Nevertheless, she expressed concern about the environmental sensitivity of the site. In particular, the stream is the subject of a future restoration project. By way of conclusion, she supported the application, subject to consolidation of the parcels, containment of the limits of disturbance, mitigation, afforestation, and coordination with the stream stabilization project.

Mr. Wright testified that the proposal will increase the capacity of the pumping station from 2.52 million gallons per day to 4.2 million gallons per day. The expansion is recognized by the County's sewer Master Plan. The witness described the sequence of construction. Among other aspects, the proposal incorporates onsite stormwater management for both water quality and quantity. Concerning the specific criteria, Mr. Wright testified that the proposal does not include any of the prohibited activities. The architectural design will be compatible with the existing construction and includes an enhancement of a hipped roof. The surrounding properties are largely commercial. Concerning the general criteria, Mr. Wright testified that the use will not be detrimental to the public health, safety and welfare. The witness testified that the project has been coordinated with a citizen's advisory group, which has endorsed the building elevations.

Steve Zahn, a consulting engineer to the applicant, testified that the proposal satisfies the performance standards specified in the code. There will be no vibration from the pumps because they are located 20 feet below ground. The only noise emanating from the operations will result from the exercising of an emergency generator. The generator is located indoors and is fitted with a silencer. The facility will produce neither glare nor heat; nor any impermissible discharge; there will be no outside storage. The facility will be landscaped in accordance with the County's Landscape Manual and kept in a neat, clean and orderly fashion.

Peter Quirk, an area resident, expressed concern about the potential impacts to Warehouse Creek from this project and the ensuing development of buildable properties. He also suggested that the facility should be relocated; or in the alternative receive additional consideration in light of the stream restoration project.

By way of rebuttal, Mr. Wright testified that the planned stormwater management pond will control runoff from the site. The project also incorporates emergency sewage storage capacity as required by the Maryland Department of the Environment.

Upon review of the facts and circumstances, I find and conclude that the applicant has met its burden of proof such that the special exception shall be approved. Considering the specific criteria, the pumping station is related to the County's utility system. The use does not include any of the prohibited activities. The architectural scale, design and landscaping treatment blend harmoniously with development in the area. The use conforms to the performance standards set forth in the code. It is necessary for public convenience at the designated location and cannot practically be supplied with equal public convenience elsewhere. It is enclosed so as to be compatible with the surrounding development. There was nothing to suggest that the use endangers the health or safety of workers or residents in the community, impairs neighboring properties or creates a nuisance. Concerning the general criteria, the use will not be detrimental to the public health, safety and welfare; the location, nature, and height of the improvements

and extent of landscaping will be compatible with the appropriate and orderly development of the district; operations related to the use will be no more objectionable than operations in permitted uses; there is no conflict with existing or programmed public facilities; utility service is available and adequate to service the proposed use with suitable access; the proposal will not overburden the master planned facilities for development of the surrounding areas; the use has received the written recommendations and comments of the public agencies; and there is sufficient evidence of public need.

Considering the variances, for this Critical Area property, due to the unique features of the stream, expanded buffer and steep slopes, a strict implementation of the program would result in an unwarranted hardship. To literally interpret the program will deprive the applicant of the ability to expand the existing pumping station. I do not believe that the granting of the variance confers any special privilege that the program typically denies. There was nothing to suggest that the request results from the actions of the applicant; nor does it arise from land use on neighboring property. Finally, with appropriate conditions and mitigation, the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat and will be in harmony with the general spirit and intent of the program. I further find that the variances are the minimum relief. As noted, the applicant is providing stormwater management for quality and quantity. There was nothing to suggest that the granting of the variance will alter the essential character of the neighborhood, substantially impair the appropriate use or

development of adjacent property, or be detrimental to the public welfare. The approval is subject to the conditions in the Order.

ORDER

PURSUANT to the application of Anne Arundel County, Maryland, petitioning for a special exception to permit modifications of an existing public utility and a variance to permit a public utility with less setbacks and buffer; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 7th day of September, 2000,


ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a special exception to permit modifications of a public utility in accordance with the site plan.

FURTHER ORDERED, that the applicant is **granted** a variance to permit a public utility with impacts to the tributary stream buffer, the expanded buffer and steep slopes in accordance with the site plan.

The foregoing approvals are subject to the following conditions:

1. The parcels shall be consolidated at the time of building permit.
2. The limits of disturbance shall be as close to the proposed fence behind the pumping station as possible.
3. The applicant shall provide mitigation at a 3:1 ratio for all new disturbance within the buffer.

4. The applicant shall retain as much existing vegetation as possible and afforest the area between the fence and the stream.
5. The applicant shall coordinate with the stream stabilization project as required by the Development Division's Environmental Section.


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 12-107(a) states:

Approval of a special exception is rescinded by operation of law if

- (1) action to implement the use is not begun within one year; and
- (2) the use is not completed and in operation within two years.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.